

Notice of Allowability	Application No.	Applicant(s)
	10/629,818 Examiner Dirk Wright	STINE ET AL. Art Unit 3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to _____.
2. The allowed claim(s) is/are 1-10.
3. The drawings filed on 29 July 2003 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)
2. <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)
3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>07292003</u>
4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. <input type="checkbox"/> Examiner's Amendment/Comment
8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance
9. <input type="checkbox"/> Other _____. |
|--|---|

Dirk Wright
Primary Examiner
Art Unit: 3681

Claims Allowed

Claims 1-10 are allowable over the prior art of record. The claims are allowable because the prior art does not anticipate nor render obvious the invention of the method and apparatus for automatically performing an upshift in a vehicular transmission by determining whether or not a range upshift has been initiated, a position of a shift lever is in a low range neutral position, and a vehicle speed is greater than a predetermined value, and performing the upshift if it is determined that the range upshift has not been initiated, that the shift lever is in the low range neutral position, and that the vehicle's speed is greater than a predetermined value.

Prior Art Discussed

The examiner has considered the references cited by applicant in his Information Disclosure Statement. None of the references show all of the features of the invention. The references cited by the examiner are deemed pertinent to applicant's disclosure. Cox '040 shows an automated control for a range shift from a highest position to a low range, but does not show an automated upshift under the claimed conditions. Menig '288 shows an automated missed shift recovery controller but does not show an automated upshift under the claimed conditions. Cochran '126 shows an automated shift control for an auxiliary section of a compound transmission, but does not show an automated upshift under the claimed conditions.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dirk Wright whose telephone number is 703-308-2160. The examiner can normally be reached on Monday through Friday, 8AM-4:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 703-308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dirk Wright
Primary Examiner
Art Unit 3681



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Saturday, August 07, 2004